HIGH COURT OF UTTARANCHAL, AT NAINITAL

Criminal Misc. Application No.232 of 2003

Gurcharan Singh Sondhi and five others
District Dehradun ….Applicants

Versus

1. State of Uttaranchal
2. Smt. Gurprit Kour Sondhi
   W/o Sri Harvinder Singh Sondhi
   D/o Shayam Murari Verma
   R/o 244 Chukhuwala
   Opp. Madho Nivas Dehradun
   District Dehradun … Respondents

Hon'ble J.C.S. Rawat, J.

Heard Sri Sandeep Tandon learned counsel for the applicants and Sri A.K. Gautam learned counsel for the respondent No.2.

This is a petition under section 482 Cr.P.C. with the prayer to set aside the impugned order dated 22.9.2003 passed by Chief Judicial Magistrate, Dehradun in case No.2064/2003 under section 498A, 323, 504, 506, 406 IPC & 3/4 Dowry Prohibition Act and also quash the additional chargesheet dated 15.7.2003 submitted by choki Prem Nagar, police station Cantt, Dehradun in case crime No.3/9 of 2003 and also quash the proceedings of criminal case No.2064/2003 based on the chargesheet submitted by the police in case crime No.3/9 of 2003.

It has been alleged in the petition that the marriage was solemnized between Harvinder Singh Sondhi and Smt. Gurpreet Kour Sondhi on 08.04.2001. A suit was instituted by Harvinder Singh Sondhi against the respondent No.2 under section 9 of the Hindu Marriage Act. As a counter blast, the respondent No.2 moved an compliant before the S.S.P., Dehradun and the case crime No.3/9 of 2003 was registered.

During the course of hearing, the parties have amicably settled the matter and an application to that effect were filed by both the parties alongwith the affidavits of Gurprit Kour Sondhi and Harjinder Singh Sondhi. Both the parties have stated in their respective affidavits they have amicably settled their disputes and entered into a compromise. The parties have filed the compromise before this Court and the same has been verified. No disputes at present persist between them and other family members.

Considering that the parties have entered into an amicable settlement and no useful purpose will be served to prolong the pendency of the above mentioned case. It has been held by the Hon'ble Supreme Court in **B. S. Joshi and Ors. Vs. State of Haryana and Anr. JT 2003(3) SC 277**:-

> "12. The special features in such matrimonial matters are evident. It becomes the duty of the Court to encourage genuine settlements of matrimonial disputes.
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> 13. The observations made by this Court, though in a slightly different context, in **G.V. Rao Vs. L.H.V. Prasad and others 2000(3)SCC p/693** are very apt for determining the approach required to be kept in view in matrimonial dispute by the Courts. It was said that there has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully, But little matrimonial skirmishes suddenly extent which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that

those who could have counselled and brought about re-approchment are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a Court of law where it takes years and years to conclude and in that process the parties lose their 'young' days in chasing their 'cases' in different Courts"

Considering the above facts and the principles laid down by the Apex Court, the chargesheets mentioned above and the proceeding in criminal case no. 2064/2003 pending before the Chief Judicial Magistrate, Dehradun are hereby quashed. The petition is allowed accordingly.

(J. C. S. Rawat, J.)

Dated 07.03.2006

LSR